

TALKIN'

TRASH

a periodic update from the
CAPE COD COMMISSION

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Fiscal Year 2005 Budget

There is reason to celebrate the unveiling of Governor Romney's Fiscal Year 2005 budget. Line item 2010-0100, Recycling Coordination – Solid Waste Management Programs and Projects, is proposed to be funded at \$3,513,437. Although this is not an increase in the amount provided to the Executive Office of Environmental Affairs (EOEA) last year, it is welcome news to both the EOEA and the Department of Environmental Protection (DEP). It is hoped that this funding will allow the DEP to continue providing the technical support necessary for a variety of recycling and solid waste management programs upon which many communities rely.

The Governor's FY 05 budget once again calls for an expansion of the existing bottle bill to include non-carbonated water containers, sport drinks, and comparable soft drinks currently exempted from the existing Bottle Bill (refer to www.budget.mass.gov/budget/outsec05/h172.htm). As outlined in Section 172 of the FY 05 budget, the Expanded Bottle Deposit Bill is found in Outside Sections, Section 3 – Local Aid, and reads as follows:

SECTION 172 – Section 321 of said chapter 94, as so appearing, is hereby amended by striking out, in lines 4 through 12 inclusive, the definitions of "Beverage" and "Beverage container" and inserting in place thereof the following: - "Beverage," non-carbonated water including flavored water, fruit and vegetable juices and drinks, coffee and tea drinks, sport drinks, soda water or similar carbonated soft drinks, mineral water, beer and other malt beverages, but shall not include alcoholic beverages other than beer and malt beverages as defined in chapter 138, wine and dairy products. "Beverage container," any sealable bottle, can, jar, or carton which is primarily composed of glass, metal, plastic or any combination of those materials and is produced for the purpose of containing a beverage. This definition shall not include containers made of biodegradable material or less than 2.5 ounces. This definition shall include containers of two-gallon capacity or less for carbonated beverages, beer and other malt beverages and less than one gallon for non-carbonated water including flavored water, fruit and vegetable drinks, coffee and tea drinks, and sport drinks.

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Although an exact figure is not known, an expansion of the bottle bill (as proposed by the Governor) will likely increase the amounts of money funneled to the Stabilization Fund (currently, approximately \$35 million annually in escheated funds are deposited in the Stabilization Fund) if significant rates of return on deposits are not achieved.

Previous Efforts to Expand the Bottle Bill

Last year, Senator Andrea F. Nuciforo, Jr. (D-Pittsfield) introduced a bill to update the Massachusetts bottle bill. Senator Nuciforo's bill called for expanding the law to include nearly 700 million non-carbonated beverage containers that are currently exempt from the 5¢ deposit. These would have included iced tea, sports drinks, fruit juices, and bottled water. It also recommended a 15¢ deposit on wine and liquor bottles. The measure would generate \$5.7 million in new revenues for the Commonwealth. An expanded bottle bill would generate an estimated \$5.7 million a year in additional revenue for the Commonwealth, for a total of approximately \$41 million annually.

An expanded bottle bill would provide other benefits as well. According to Jenny Gitlitz of the Container Recycling Institute, an expanded bottle bill would reduce the amount of trash sent to the state's landfills and incinerators, reduce pollution, and result in significant energy savings. Her research shows that in the year 2002, the 104,000 tons of bottles and cans recycled through the bottle bill saved the equivalent of 540,000 barrels of crude oil, and reduced greenhouse gas emissions by approximately 80,000 tons. An expansion of the bottle bill would increase these benefits by about 15 percent.

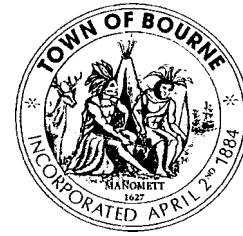
According to Senator Robert O'Leary (D-Cape & Islands), there may not currently be enough support in the legislature for an expansion of the bottle bill to include additional beverage containers. Instead, the Senator thinks that the bottle bill needs to be further studied to better understand what is both currently working and not working. According to Claire Sullivan of the South Shore Recycling Collaborative, the Senator remains concerned about the elimination of the Clean Environment Fund, the complex nature of the redemption system at the retail and distributor level, sustainability of redemption centers, declining redemption rates, interstate fraud, and the economic impact to businesses in towns bordering non-bottle bill. The Senator, who chairs the Joint Committee on Energy, has begun to meet with various governmental and industry groups to study the bill and will make recommendations on the future of the bottle bill at a later date.



Solid Waste Advisory Committee Updates

The Solid Waste Advisory Committee (SWAC) will hold another meeting on March 15 at 9:00 a.m. in Rooms 11/12 of the Barnstable Superior Courthouse. The intent of the meeting is to begin to discuss the issues regarding negotiations with SEMASS beyond 2015. Susan King and Tom DeMaio of American Ref-fuel have been invited to give an

overview of pending legislation associated with Renewable Energy Credits, as well as ongoing negotiations for the sale of power generated at the SEMASS waste-to-energy facility. These issues will likely have a bearing on the costs associated with future tip fees at the facility (beyond 2015), and it is important to understand these two issues.



ISWMF Update

On December 22, 2003, the Bourne Integrated Solid Waste Management Facility (ISWMF) received from the Department of Environmental Protection an Authorization to Operate (ATO) for Phase 3 Stage 3 of the landfill. As outlined in the ATO, the Town of Bourne may continue to process construction demolition (C&D) materials within the Phase 3 lined landfill until July 1, 2004, in order to develop the transition plan. However, if the town decides to transition its operation from C&D processing to municipal solid waste disposal, this transition will happen no later than July 1, 2004.

The facility must submit a "transition plan" by April 1, 2004, detailing how that material will be managed after June 30, 2004. ISWMF staff and members of the Cape's Solid Waste Advisory Committee met in Orleans on Monday, January 26, to discuss the transition plan and how the facility could play a long-term role in assisting the region in dealing with issues of solid waste management.

DEP Regulatory Overview

As you are all aware, several changes are being proposed to Department of Environmental Protection (DEP) regulations. The proposed regulations to ban the disposal of some construction materials, to require double liners in new landfill cells, and to amend Beneficial Use Determinations (BUDs) have been forwarded to the Executive Office of Environmental Affairs for comment. After being reviewed by Administration and Finance for cost-benefit analysis, public hearings will be scheduled. Some issues that should be clarified include:

- the proposed implementation date of any regulation revision, currently at nine months from promulgation (which would occur after hearings are held);
- whether municipal waste combustors should be exempt from the disposal ban on wood;
- whether the future ban of gypsum from disposal should not be considered; and
- whether there should be an exemption on the monitoring of residential loads of construction demolition less than 5 cubic yards at municipal facilities.

According to the DEP, the draft regulations (after review by Administration and Finance) will be released, and a public comment period and public hearings held. It is not yet known when that will be, but DEP will send notice to the state's Solid Waste Advisory Committee mailing list when the draft regulations are ready to be released.

Legislative Overview

■ S376 Waste-to-Energy Grant Extension

This bill was filed by Senator Susan Fargo (D-Third Middlesex) and seeks a three-year extension for the current Waste-to-Energy (WTE) Grant Program that is funded by the Renewable Energy Trust Fund and is managed by the Massachusetts Technology Collaborative.

The three-year extension would apply to those grant funds that are paid to all cities and towns that have contracts with WTE facilities located within the Commonwealth. Since 2001, grant funds have been disbursed annually to cities and towns under contract with WTE facilities to offset capital costs incurred to those facilities as a result of upgrades mandated by new federal or state regulations.

The costs for these upgrades are ultimately passed on to municipalities in the form of surcharges on municipal solid waste (MSW) tip fees. These grants, disbursed on an annual basis for the past three years, have assisted in offsetting these surcharges. The Cape communities under contract with the SEMASS WTE facility have received approximately \$6,874,286 through the first three years of the program. The bill was sent to the Committee on Ways and Means last June by the Committee on Energy. To date, no action has been taken on the bill.

■ H4293 Renewable Portfolio Standard (amended version of H523)

The bill establishes a basic change in Chapter 25A, which is the legislation governing the Department of Energy Resources (DOER). The changes would require that DOER reestablish the baseline of electricity sales to end-use customers from July 2003 derived from existing renewables. Retail suppliers would be required to purchase at least the baseline (plus annual percentage increases) from existing renewables.

This change would guarantee WTE electricity sales to suppliers, and WTE would derive the benefit of being included in the Renewable Portfolio Standard. WTE, as an existing renewable, would thus remain competitive with other, less-expensive power generators (coal, natural gas). This would benefit the SEMASS facility as it renegotiates contracts with energy suppliers when the current contract expires in 2005. After much consideration of the profit-sharing arrangement with municipalities that have contracts with WTE facilities, the Committee on Energy reported favorably on the bill in November 2003 and sent it to the Committee on Ways and Means.

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■ S1213 An Act Relative to Certain Municipal Costs

The bill would seek to ensure that all future Department of Environmental Protection guidance documents or policies slated to become regulations go through a recognized public process identified in the Massachusetts Administrative Procedures Act (Chapter 30A, Section 2). The bill remains in the Committee on Natural Resources and Agriculture, with no report since its hearing last June.

What's New?

■ Dell Issues Recycling Grants

Dell Inc. has announced that a dozen communities (from more than 200 local governments, institutions, and non-profit groups that applied) have been awarded electronics recycling grants. Each \$10,000 grant is for a recycling collection event to be held this spring. As part of an effort to boost local recovery efforts, Dell and the National Recycling Coalition will hold training sessions for local government officials in California, Louisiana, Massachusetts, Michigan, and New York.

■ 2003 Solid Waste and Recycling Report

The Cape Cod Commission is in the process of completing the annual solid waste and recycling report for all 15 Cape towns. The report will compile tonnages of recyclable materials, municipal solid waste, construction demolition, and difficult-to-manage wastes. The report will soon be posted on the Commission's Web site: www.capecodcommission.org/waste/solidwasterpt.htm



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